

REMARKS

This Amendment responds to the Action dated September 25, 2008, wherein claims 1-2, 4-6, 8-10, 12-19, 21, 23, 26 and 40 were rejected as being unpatentable over Alyeshmerni et al. (WO 00/76941 A1) in view of Dean et al. (US 6,245,717 B1) and Gallant et al. (US 5,102,440). The Applicant respectfully traverses the Examiner's rejection, and reconsideration in view of the amendments made herein is respectfully requested.

The Applicant notes that his previous arguments and amendments, including amended claim 1 disclosing a solidified molten homogenous mixture, have indeed successfully overcome the obviousness objection of the Examiner in view of the combined teaching of Alyeshmerni et al. (WO 00/76941 A1) and Dean et al. (US 6,245,717 B1). The Examiner now cites Gallant et al. (US 5,102,440), alleging that the combination of the three above-cited publications renders the present invention obvious for an average person skilled in the art.

It is noted by the Applicant that US 5,102,440 relates to a process for the preparation of a granular slow release fertilizer composition (see abstract), said process involving spraying a molten urea-formaldehyde resin onto small finely divided solid raw material particles in order to "glue" them together and form a granular product (col. 4, lines 41-48). The composition of Gallant et al. is called "carrierless" but according to any reasonable definition of carrier, their formaldehyde-based resin is clearly a carrier. According to the common definition, a carrier is "a usually inactive substance that acts as a vehicle for an active substance"

(www.dictionary.com). US 5,102,440 defines a carrier as being a product not being capable of absorbing liquids (col.2, lines 67-68 and col. 3, lines 1-3), which is clearly not the accepted definition. Their resin, comprising 20-50% fertilizer compounds (col. 5, line 20), is a carrier for incorporating plant nutrients (col. 4, lines 62-68 and col. 5, lines 1-7), leaving useless and harmful deposit in the soil.

Therefore, the Applicant respectfully submits that Gallant et al. in fact teach against the present invention. Gallant et al use a molten urea-formaldehyde resin (col. 4 lines 44-45) as a binder to aggregate solid particles of raw materials (col.4, line 62) and to form slow release fertilizer granules. On the contrary, the solidified molten homogenous mixture of the present invention has every single constitutive element molten in the precursor mixture, which enables a perfect homogenization of the constituents, before cooling and formation of the final solid product. Importantly, formation of the fertilizer granules in the present invention does not require the use of an aggregating agent, such as the urea-formaldehyde resin. It is known from the art that such a binder is not biodegradable (Otake et al., Journal of applied polymer science, 1995, Vol. 56(13): 1789-1796, abstract enclosed) and that chemical agent such as formaldehyde is toxic for the human and the environment. The present invention does not use such components and is therefore closer to the ideal agrochemical composition, as described in the application (page 1, line 15).

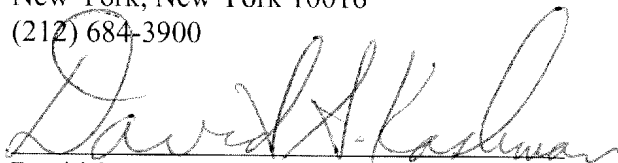
An average skilled person in the art would therefore understand the significance and inventiveness of the present invention in view of the cited publications, as the present invention teaches homogenous granules, easy to handle.

Furthermore, the granular composition of the invention is free of any harmful agent, and doesn't leave harmful or useless deposits in the soil, which is critically important nowadays, when environmental concerns stand above all other considerations.

In view of the above arguments, the applicant respectfully submits that the invention, as described in the present claims, is novel and non-obvious over the cited documents, either alone or in combination. It is therefore believed that the instant amended claims are now ready for allowance.

Early and favorable action is respectfully requested.

Respectfully submitted,
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